

Procedural Guide

0070-549.10

DCFS-PROBATION WIC 241.1 JOINT ASSESSMENT PROTOCOL

Date Issued: **12/13/07**

New Policy Release

Revision of Existing Procedural Guide 0070-549.10, DCFS-Probation WIC 241.1 Joint Assessment Protocol, dated 11/28/01.

Revision Made: **NOTE:** Current Revisions are Highlighted

WIC 241.1 Pilot Project started out of two Pasadena Delinquency Courts (Dept 270 & 271) where any WIC 300 youth who has a new WIC 602 petition filed in either of the two Delinquency Courts will be referred to the Multidisciplinary Team (MDT) located in the Children's Court which is made up of staff from DCFS (WIC 241.1 Unit), Probation, DMH and education advocates from Learning Rights Law Center (LRLC).

Cancels: None

DEPARTMENTAL VALUES

The Department continues to focus on the three priorities (safety, timely permanency and reducing recidivism). This Procedural Guide will provide a guideline on how to determine and recommend to the juvenile court which status would serve the best interests of these children and the protection of society when addressing children who appear to come within the description of both WIC 300 and WIC 601 or 602.

WHAT CASES ARE AFFECTED

This Procedural Guide is applicable to all new and existing referrals and cases.

OPERATIONAL IMPACT

Welfare and Institutions Code (WIC) Section 241.1 mandates joint assessments by DCFS and Probation Department for children who appear to come within the description of both WIC 300 and WIC 601 or 602. The purpose of the assessment is to determine and recommend to the juvenile court which status would serve the best interests of these children and the protection of society.

Referrals for joint assessments may be initiated by DCFS, Probation or the juvenile court. When the WIC 241.1 Joint Assessment Protocol is applied, the CSW or Deputy Probation Officer (DPO) will be responsible for generating the court report as specified below. The party who does not generate the report (the CSW or DPO) will write a memo that will be attached to the court report.

For the Pasadena Pilot Project, when either of the Pasadena Delinquency Courts, Dept 270 or Dept 271, requests for WIC 241.1 joint assessment, Probation Court Officer will send the WIC 241.1 assessment referral to Multidisciplinary Team (MDT). The MDT will be responsible for:

1. Preparing all joint assessments
 - a. Gather information about the youth
 - b. Evaluate the youth's information
2. Making recommendation to the Court on:
 - a. Appropriate legal status for the youth
 - b. Appropriate case plan for the youth
3. Linking the youth to the necessary services
4. Tracking the youth's progress during the delivery of services
5. Reporting to the Court

The following protocols for the WIC 241.1 joint assessment were developed by representatives of DCFS, Probation, the Presiding Judge of Juvenile Court, County Counsel, the District Attorney's Office, Dependency Court Legal Services and the Public Defender's Office.

There are six (6) situations in which the need for a WIC 241.1 joint assessment may occur:

1. A youth who is a dependent of the court pursuant to WIC 300 allegedly commits a crime or exhibits behavior resulting in a petition filed in the Delinquency Court pursuant to WIC 602. The assessment is filed and heard in the Delinquency Court with Probation as the lead agency for preparation of the report.

Timeline for filing Joint Assessment – WIC 241.1 Protocol.

Joint assessment is due in Delinquency Court by the date stated by the 241.1 Unit.

When the youth is detained, the appearance on the pre-plea report is generally 8 - 12 days after the detention hearing.

When the youth is not detained, the assessment is due on the pre-plea appearance

or before.

It is imperative to ensure that the assessment is completed before the adjudication without interfering with any statutory speedy trial rights.

2. A youth who is on probation pursuant to WIC 602 and who is home on probation is the victim of child abuse/neglect. In these cases where a petition is filed pursuant to WIC 300, a joint assessment would then be necessary. The assessment is to be filed and heard in the Dependency Court with DCFS designated as the lead agency for preparation of the report.

Timeline for filing Joint Assessment – WIC 241.1 Protocol.

Assessment is due in the Dependency Court at the time of the Pre Resolution Conference (PRC), the Juridical/Disposition Hearings, the Mediation Conference, or the adjudications, if a no time waiver trial is set.

3. A youth is under the jurisdiction of the Delinquency Court and Probation wants to terminate jurisdiction and return the youth home but is unable to do so because the home is inappropriate due to the potential for abuse and/or neglect or there is in fact no home to return to. A joint assessment would be necessary. The case would continue to be heard in the Delinquency Court with Probation designated as the lead agency.

WIC 602 youth under the Delinquency Court and Probation wants to terminate the jurisdiction and return the youth home but the home isn't suitable. A joint assessment is necessary. Matter is heard in the Delinquency Court with Probation as the lead agency for preparation of the report.

Timeline for filing Joint Assessment – WIC 241.1 Protocol.

If Probation seeks to terminate jurisdiction of a ward, there is no specific time line. If DCFS files WIC 300 petition, assessment is due at the time of the Juridical/Disposition Hearings.

4. A petition is filed in the Delinquency Court on a youth who is not under the jurisdiction of the Delinquency Court but the detention report suggests that alleged crime may be related to abuse/neglect. A joint assessment would be ordered and heard in the Delinquency Court with Probation as the lead agency.

In such situation, the mere fact that a youth is a former dependent of the court does not constitute that connection. There must be specific and clear facts suggesting that the youth currently falls within WIC 300 in order for the Delinquency Court to order the assessment.

Timeline for filing Joint Assessment – WIC 241.1 Protocol.

Assessment is due in Delinquency Court on or before the time of the appearance on the pre-plea report.

5. When it is requested that a youth who had a previous assessment and placed on WIC 654, 725 or 790 status should be declared a delinquent for failure to comply with the terms of supervision pursuant to WIC 654, 725 or 790.

Timeline for filing Joint Assessment – WIC 241.1 Protocol.

Assessment due date depends on the youth's custody status. If the youth is detained, due date is the same as other detained cases. If the youth is not detained, due date will be determined by the Court.

6. A fitness hearing pursuant to WIC 707 and the youth is found to be fit for juvenile court jurisdiction and it appears that the youth falls within WIC 300 and WIC 602.

Timeline for filing Joint Assessment – WIC 241.1 Protocol.

The Court will order the joint assessment as soon as the youth is found fit for juvenile court jurisdiction. Assessment due date will depend on the youth's custody status, but typically it will be due by detention hearing.

Note: A joint assessment **is NOT** required when a youth on WIC 654, 725 or 790 status becomes the subject of a WIC 300 petition.

Juvenile Automated Index (JAI)

Probation officers and CSWs must access the Juvenile Automated Index (JAI) for every child with whom they come into contact, especially the children who are detained or filed upon by DCFS or Probation. If the CSW detains a child who appears, according to JAI, to have an open probation case, the CSW shall include all known information regarding the child's Probation status in the Detention Hearing Report. The CSW shall contact the Probation Department regarding the child and attempt to gather information regarding the child's probation history that can be included in the Detention Hearing Report.

DCFS and Probation have established liaisons to expedite and coordinate the evaluation and assignment of referrals from each other and from the court.

- The DCFS liaison is the Juvenile Court Services (JCS) Liaison. The WIC 241.1 Liaison Desk numbers are (323) 526-6895, (323) 526-6797, (323) 526-6761, (323) 526-6755, (323) 526-6740, (323) 526-6843.
- The Probation liaison may be contacted at the Probation Department's Dual Supervision Case Management (DSCM) Unit supervisor Robert Henderson, SDPO. (323) 780-2149 (Robert.Henderson@laprob.org) or his backup, Fernando Medina at 323-980-2773. (Fernando.Medina@laprob.org).

When either court orders a joint assessment pursuant to WIC 241.1, the Juvenile Court Services WIC 241.1 Unit will refer the case to the Department of Mental Health Unit (JCMHU). A copy of the 241.1 Joint Assessment referral will be sent to the JCMHU at the same time that it is sent to the DPO or the CSW. The Mental Health Unit will screen the referral by conducting a database search to determine if the child has had previous involvement with the Department of Mental Health (DMH).

- If there is no history, or an insignificant history, DMH will indicate so on the Juvenile Court Mental Health Unit WIC 241.1 Report. DMH will send this report to the DPO and CSW and the role of DMH will end unless Probation or our Department makes a specific request for assistance.
- If there is an indication of significant mental health factors, but insufficient time before the hearing to complete an evaluation, DMH will indicate so on the Juvenile Court Mental Health Unit WIC 241.1 Report. DMH will send this report to the DPO and CSW who are preparing the joint assessment. The Juvenile Court Mental Health Unit WIC 241.1 Report form may be attached to the WIC 241.1 Joint Assessment in lieu of a DMH summary statement.
- If there is an indication of significant mental health factors, and adequate time before the hearing to complete an evaluation, DMH will assign a clinician to the case and proceed with an evaluation. The clinician will speak with the Probation officer and/or CSW and review court records and mental health records. DMH must seek the permission of the child's Delinquency Court attorney before they can interview the child. The clinician shall send the Juvenile Court Mental Health Unit WIC 241.1 Report to the Probation officer and CSW that describes the child's previous treatment, makes recommendations for future treatment and describes how such treatment may best be obtained. The Juvenile Court Mental Health Unit WIC 241.1 Report form may be attached to the WIC 241.1 Joint Assessment in lieu of a DMH summary statement.

DMH will act as a consultant and facilitator for the DCFS and Probation staff responsible for the WIC 241.1 assessment.

- The DMH contact person is Denise Woo. Her telephone number is (323) 526-6563. dwoo@dmh.lacounty.gov.

CONFLICT RESOLUTION

The CSW shall discuss his or her recommendation to the court with his or her SCSW prior to discussing the recommendation with the DPO. If the CSW and the DPO cannot agree on the recommendation to the court, the CSW shall discuss the dispute with their SCSW. If the SCSW continues to agree with the CSW's recommendation, the SCSW shall discuss the recommendation with the ARA. If the ARA agrees with the CSW and SCSW's recommendation, the SCSW shall contact the JCS SCSW to discuss the dispute and to seek conflict resolution. If the JCS Liaison SCSW and Supervising DPO cannot agree on the recommendation, they shall refer the case to their supervisors. The Director, Juvenile Court Services, DCFS, shall make the final decision on a case which originated with Probation and the Juvenile Consultant, Juvenile Field Services Bureau, Probation, shall make the final decision on a case which originated with DCFS. The reasons for, and the results of, the conflict resolution process shall be included in the court report.

For the Pilot Project cases where there is disagreement in the MDT on the recommendation to the Court regarding the appropriate legal status for the subject youth, the CSW should refer the matter to the Juvenile Court Liaison Deputy Regional Administrator and the DPO should refer the matter to the Juvenile Field Services Bureau.

- When DCFS is the lead agency: The Juvenile Consultant with Juvenile Services Bureau shall be the final arbiter.
- When Probation is the lead agency: The Director of Juvenile Court Services shall be the final arbiter.

NOTE: The conflict resolution process does not alter the time lines described above.

INFORMATION SHARING

The CSW and DPO shall freely share any case record information including court reports, other third-party reports and information relevant to the assessment. Each worker shall safeguard the records received from the other Department in accordance with legal mandates on confidentiality.

For the Pasadena Pilot Project, the Department of Mental Health (DMH) and the LRLC, and its representative, who are part of the MDT shall have the same access to juvenile case files pursuant to WIC 241.1 as Probation and DCFS as permitted by WIC 827, California Rules of Court, Rule 5.552 (formerly Rule 1423), and Los Angeles Superior Court Local Rule 17.1.

FITNESS HEARINGS (wic 707)

Pursuant to Juvenile Court policy, when a fitness hearing pursuant to WIC 707 (a hearing to determine whether or not a child should be tried as an adult) is ordered, a WIC 241.1 assessment will not be ordered. Subsequent to the hearing, if the child is found to be fit for juvenile court jurisdiction, the Delinquency Court shall order the preparation of a WIC 241.1 assessment if the child appears to fit the description of both Sections 300 and 601 or 602 of the Welfare and Institutions Code.

Procedures

A. WHEN: DEPENDENCY COURT ORDERS A WIC 241.1 ASSESSMENT

When the Dependency Court makes an order for a WIC 241.1 joint assessment, the

WIC 241.1 court report shall follow the guidelines described in Procedural Guide 0300-311.05, Preparing the WIC 241.1 Joint Assessment Court Report Ordered by the Dependency Court.

For pre-disposition cases, it is the responsibility of the Dependency Investigator (DI) to prepare the WIC 241.1 joint assessment report.

For post-disposition cases, it is the responsibility of the case-carrying CSW to prepare the WIC 241.1 joint assessment report.

Juvenile Court Services (JCS) Liaison Staff Responsibilities

1. Complete the 241.1 Joint Assessment Referral document.
2. Contact the CSW responsible for preparing the WIC 241.1 report by the end of the same business day on which the order was made and provide him or her with the court date on which the report is due.
3. Contact Probation's Specialized Investigation Unit (SIU) by the end of the judicial day following the day the order was made to request that the case be assigned to a DPO. Provide Probation SIU with essential case information (e.g., the name of the dependency attorney, court number, etc.) and the name, address and telephone number of the assigned CSW.
4. Contact the DMH Juvenile Court Mental Health Unit by the end of the same business day on which the order was made and provide the court date on which the report is due. Forward the 241.1 Joint Assessment Referral document to the Mental Health Unit.
5. Enter all required case information on the Joint Assessment Referral. Fax the referral to the CSW and the DPO.

CSW Responsible for Preparing the WIC 241.1 Report

1. Receive call from the assigned DPO within one judicial day of being notified by JCS Liaison of the WIC 241.1 assessment, to arrange a face-to-face meeting (if that is not possible, a telephone consultation) to work on the joint assessment.
2. Instruct the DPO to bring all information relevant to the assessment, e.g., court reports, third party reports, etc. to the meeting or to send them to you, if a face-to-face meeting is not possible.

When the child is in custody or time is of the essence for another reason (e.g., a no-time-waiver trial), the meeting shall occur within two judicial days of the initial communication between the DPO and CSW. When time is not of the essence, the meeting can be arranged at a time which is mutually convenient.

If the DPO does not make contact within the specified time frame, contact Probation Department's Dual Supervision Case Management (DSCM) Unit supervisor Robert Henderson, SDPO, (323) 780-2149 (Robert.Henderson@laprob.org) to determine who the assigned DPO is. His backup is Fernando Medina at 323-980-2773. (Fernando.Medina@laprob.org).

3. Contact the JCS Liaison at (323) 526-6895, (323) 526-6797, (323) 526-6761, (323) 526-6755, (323) 526-6740, (323) 526-6843 to reserve a room at the Edmund D. Edelman Children's Court for the meeting with the DPO. Whenever possible, JCS Liaison staff will participate in the meeting.

If necessary, CSWs may use an alternate site for the meeting with the DPO if a room is not available or both the CSW and DPO are housed in offices distant from Children's Court (e.g., Lancaster, etc.).

4. Discuss the case with your SCSW to formulate the Department's position prior to presenting it to the DPO.
5. Conduct the meeting/telephone consultation with the DPO. Assess, in collaboration with the DPO, which status [e.g., WIC 300, 601, 602, 654 or 725(a)] will serve the best interests of the child and the protection of society. Determine, in collaboration with the DPO, the jurisdictional recommendation and reason(s) for the recommendation.
6. Document the results of the collaboration with the DPO in the Contact Notebook.
7. Prepare the court report within the time frame established by the court and Departmental policies and procedures. See Procedural Guide 0300-311.05, Preparing the WIC 241.1 Joint Assessment Court Report Ordered by the Dependency Court.
8. Send the report to the JCS Liaison staff at least two calendar days prior to the court date.

SCSW Responsibilities

1. Review the court report. If appropriate, sign and return it to CSW. If not, return the report for corrections. Repeat this process until the report is appropriate.

Juvenile Court Services (JCS) Liaison Staff Responsibilities

1. Review the report. If the report is sufficient, distribute it to the court. If not, suggest changes to the CSW.

CSW Responsible for Preparing the WIC 241.1 Report

1. If it is jointly recommended by the two departments and the Dependency Court concurs that the child's best interests would be best served by DCFS, continue to provide case management services, following established DCFS policies and procedures for face-to-face contacts, collateral contacts, etc.

If the two departments jointly recommend it and the Dependency Court concurs that the Probation Department would best serve the child's best interests, it is the responsibility of the Probation Department to assume supervision and provide services to the child. Continue to provide case management services, following established DCFS policies and procedures for face-to-face contacts, collateral contacts, etc., until the Delinquency Court assumes jurisdiction. Once Delinquency Court assumes jurisdiction, follow established DCFS policies and procedures to close the case. Select the CWS/CMS Case Closure Reason: "Not Incarcerated – Adjudicated 601/602."

B. WHEN: REQUESTING A WIC 241.1 ASSESSMENT FOR A YOUTH WHO IS UNDER DEPENDENCY COURT SUPERVISION

This section applies only for children who are currently under the supervision of the Dependency Court. For those DCFS children who are not under Dependency Court supervision, a WIC 241.1 assessment can only be initiated if a WIC 601 or 602 petition has been filed in Delinquency Court and the Delinquency Court orders the assessment. It is the responsibility of the Dependency Investigator to request a WIC 241.1 assessment for all pre-disposition cases. When the child is a dependent of the court, it is the responsibility of the case-carrying CSW to make the request.

CSW Responsible for Requesting a wic 241.1 assessment

1. Consult with the Deputy County Counsel (DCC) and JCS Liaison regarding requesting a WIC 241.1 assessment. If the DCC opposes requesting a WIC 241.1 assessment, document the results of the discussion in the Case Notes and continue to provide services per established DCFS policies and procedures.

If the DCC agrees that a WIC 241.1 assessment is appropriate, document the results of the discussion in the Case Notes and proceed to step 4.

2. If there is a scheduled hearing within 30 calendar days, include the recommendation for a WIC 241.1 assessment in the report for that hearing.

If there is no scheduled hearing within 30 calendar days, submit a non-appearance report by means of the Interim Review Report to the JCS Liaison office, as a walk-on report recommending that the court order a WIC 241.1 assessment.

3. Receive and review the minute order.

If the Dependency Court did not order the WIC 241.1 assessment, continue to provide services per established Departmental policies and procedures.
If the Dependency Court did order a WIC 241.1 assessment, follow all CSW Responsible for Preparing Report steps in Part A. of this Procedural Guide.

4. Contact JCS Liaison to initiate a 241.1 Joint Assessment Referral.

C. WHEN: DELINQUENCY COURT ORDERS A WIC 241.1 ASSESSMENT FOR A YOUTH WHO IS UNDER DCFS SUPERVISION

It is the responsibility of the Deputy Probation Officer (DPO) to prepare the WIC 241.1 report whenever delinquency court makes the order. It is the responsibility of the case-carrying CSWs/DIs to provide the DPO with the results of his or her investigation and any other relevant case information in memo form.

During the Pasadena Pilot Project, CSWs/DIs will follow WIC 241.1 Unit's instructions to complete a memo and will submit the memo to MDT.

Juvenile Court Services (JCS) Liaison Staff Responsibilities

1. Review the Delinquency Court minute order and case information sent by the DPO. Confirm that the child has an open DCFS case. If so, proceed. If not, but the child is alleged to be a victim of abuse or neglect, proceed to Section C.
2. Enter all required case information on the Joint Assessment Referral.
3. Contact the CSW who will collaborate on the assessment by the end of the following judicial day of being contacted by Probation IDC. Provide that CSW with essential case information and the name, address and telephone number of Probation's Dual Supervision Case Management (DSCM) Unit and/or the name and telephone number of the DPO, if known. Fax the referral and accompanying documents to the CSW, SCSW and the ARA.
4. Contact the DMH Juvenile Court Mental Health Unit by the end of the following judicial day of being contacted by Probation IDC and provide the court date on which the report is due. Forward the 241.1 Joint Assessment Referral document to the Mental Health Unit.

CSW Responsible for Collaborating in the WIC 241.1 Assessment

1. Receive notification from JCS Liaison (WIC 241.1 Unit) that a WIC 241.1 joint assessment is required.
2. Contact Probation's SIU within one judicial day of being notified by JCS Liaison.

Provide SIU with essential case information. Arrange a face-to-face meeting (if that is not possible, a telephone consultation) to work on the joint assessment.

The DPO will contact the JCS Liaison to reserve a room at the Edmund D. Edelman Children's Court for the meeting. Whenever possible, JCS Liaison staff will participate in the meeting. If necessary, CSWs may use an alternate site for the meeting with the DPO, if a room is not available or both the CSW and DPO are housed in offices distant from Children's Court (e.g., Lancaster, etc.).

When the child is in custody or time is of the essence for another reason (e.g., a no-time-waiver trial), the contact shall occur within two judicial days of the initial communication between the DPO and CSW. When time is not of the essence, the contact can be arranged at a time that is mutually convenient.

3. Discuss the case with your SCSW to formulate the Department's position prior to presenting it to the DPO.
4. Conduct the meeting/telephone consultation with the DPO. Provide all information relevant to the assessment, e.g., court reports, third-party reports, etc., to the DPO. In addition, provide to the DPO in writing the information required in Part A.1.g) of Procedural Guide 0300-311.05, Preparing the WIC 241.1 Joint Assessment Court Report Ordered by the Dependency Court.
5. Assess, in collaboration with the DPO, which status [e.g., WIC 300, 601, 602, 654 or 725(a)] will serve the best interests of the child and the protection of society.
6. Determine the jurisdictional recommendation and reason(s) for the recommendation in collaboration with the DPO.

It is important to feel comfortable with the recommendation of joint assessment. Do not feel compelled to agree with the DPO's recommendation. Consult with your SCSW prior to making a final recommendation with the DPO.

7. Document the results of the collaboration with the DPO in the Contact Notebook.

During Pasadena Pilot Project, document interaction made with MDT in the Contact Notebook.

8. Send the memo to the JCS liaison. During Pasadena Pilot Project, send the memo to MDT.

<p>NOTE: During Pasadena Pilot Project, MDT will perform aforementioned duties.</p>
--

JCS Liaison CSW Responsibilities

1. Conduct a QA review of the WIC 241.1 memo.

If the memo is sufficient, fax it to the CSW for his or her review and signature.

If the memo is not sufficient, fax it to the CSW. Contact the CSW or his or her SCSW to review the report and discuss your concerns regarding the report.

2. Fax the completed memo to the DPO.
3. Receive the completed report from the DPO. Fax the report to the CSW and SCSW.

NOTE: During Pasadena Pilot Project, MDT will perform aforementioned duties.

CSW Responsible for Collaborating in the WIC 241.1 Assessment

1. If in agreement with the report and upon approval by JCS Liaison, sign the court report prepared by the DPO and forward it to the SCSW for signature.

If not in agreement with the report and/or JCS Liaison did not approve it, discuss these concerns with JCS Liaison and your SCSW.

If the concerns are resolved, sign the report prepared by the DPO and forward it to the SCSW for signature.

If the concerns are not resolved, refer the issue up the regional chain-of-command (i.e., SCSW, ARA and RA).

NOTE: During Pasadena Pilot Project, MDT will perform aforementioned duties.

SCSW Responsibilities

1. If in agreement with the report, sign the court report prepared by the DPO and return it to the CSW.

If not in agreement with report and/or JCS Liaison did not approve it, discuss these concerns with the CSW and JCS Liaison staff.

RA and Director of JCS Responsibilities

1. If the matter reaches the RA and Director of JCS level, the Director of JCS shall make the final decision.

NOTE: During Pasadena Pilot Project, MDT will perform aforementioned duties.

CSW Responsible for Collaborating in the WIC 241.1 Assessment

1. Sign the report and fax the signature page to JCS Liaison as soon as possible.
2. File the report in the hardcopy case in the Court Documents folder (Manila), right side.

NOTE: During Pasadena Pilot Project, MDT will perform aforementioned duties.

JCS Liaison CSW Responsibilities

1. Upon receipt of signed signature page from the CSW, fax it to the Delinquency Court.

NOTE: During Pasadena Pilot Project, MDT will perform aforementioned duties.

CSW Responsible for Collaborating in the WIC 241.1 Assessment

1. If it is jointly recommended by the two departments and the Delinquency Court concurs that the child's best interests would be best served by DCFS, continue to provide case management services, following established DCFS policies and procedures for face-to-face contacts, collateral contacts, etc.

If the two departments jointly recommend it and the Delinquency Court concurs that the child's best interests would be best served by the Probation Department, continue to provide case management services, following established DCFS policies and procedures for face-to-face contacts, collateral contacts, etc., until the Delinquency Court assumes jurisdiction. Once Delinquency Court assumes jurisdiction, follow established DCFS policies and procedures to close the case. Use one of the following case closure reasons as appropriate: "Incarcerated –

Adjudicated 601/601,” “Not Incarcerated – Adjudicated 601/602” or “Incarcerated – Adjudicated Non 601/602.”

If it is jointly recommended by the two departments and both courts concur that the child's best interests would be best served by both DCFS and Probation, to continue to provide case management services, following established DCFS policies and procedures for face-to-face contacts, collateral contacts, etc. Document in CWS/CMS that the child is Dual Supervision child by following the instruction in Procedural Guide 0300-312.05, Dual Supervision DCFS-Probation Cases.

D. WHEN: DELINQUENCY COURT ORDERS A WIC 241.1 ASSESSMENT FOR A YOUTH WHO IS NOT UNDER DCFS SUPERVISION

It is the responsibility of the Deputy Probation Officer (DPO) to prepare the WIC 241.1 report whenever delinquency court makes the order. It is the responsibility of the ER CSW to provide the DPO with the results of his or her investigation and any other relevant case information.

Juvenile Court Services (JCS) Liaison Staff Responsibilities

1. Review the information faxed by the DPO. If there are allegations of abuse or neglect, and the child is abandoned, runaway or homeless, or the child has an open dependency case in this county, proceed. If the child does not live in Los Angeles County, does not have a current open case, or has no allegations of abuse or neglect, reject the referral.
2. Obtain all essential case information in order to complete the 241.1 Joint Assessment Referral.
3. Telephone the CPH to report the information obtained by the Deputy Probation Officer. Write the referral number on the 241.1 Joint Assessment Referral and fax it to the CPH.
4. Enter all required case information on the DCFS 4140.

CPH CSW Responsibilities

1. Follow all established DCFS policies and procedures for taking a child abuse referral. Write in the Screener Narrative that the referral is the result of a WIC 241.1 Assessment ordered by the Delinquency Court.
2. Assign the referral to the appropriate regional office per established policy and procedures.

ER CSW Responsibilities

1. Receive the emergency response referral from CPH.
2. Follow all established DCFS policies and procedures for responding to an emergency response referral.
3. Follow all CSW Responsible for Collaborating in the Assessment steps in Part C. of this Procedural Guide.

If it is determined that the child's best interests would be served by DCFS, it is the CSW's responsibility to determine if services will be provided on a voluntary basis or if court intervention is necessary. The CSW is responsible for initiating the filing of a WIC 300 petition (detained or non-detained) and any subsequent court reports, if court intervention is necessary.

ER SCSW Responsibilities

1. The CSW shall promote the referral to a case within 30 calendar days.
2. Follow all SCSW steps in Part B of this Procedural Guide.

APPROVAL LEVELS

Section	Level	Approval
A.	SCSW	Approve report
B.	SCSW	Approve report
C.	SCSW	Approve report from Probation
C.	RA	Approve report from Probation
D.	SCSW	Promote referral to a case within 30 calendar days

OVERVIEW OF STATUTES/REGULATIONS

Welfare and Institutions Code Sections 241.1 states:

(a) Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602, the county probation department and the child welfare services department shall, pursuant to a jointly developed written protocol described in subdivision (b), initially determine which status will serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court with the petition that is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor. Any other juvenile court having jurisdiction over the minor shall receive notice from the court, within five

calendar days, of the presentation of the recommendations of the departments. The notice shall include the name of the judge to whom, or the courtroom to which, the recommendations were presented.

(b) The probation department and the child welfare services department in each county shall jointly develop a written protocol to ensure appropriate local coordination in the assessment of a minor described in subdivision (a), and the development of recommendations by these departments for consideration by the juvenile court. These protocols shall require, which requirements shall not be limited to, consideration of the nature of the referral, the age of the minor, the prior record of the minor's parents for child abuse, the prior record of the minor for out-of-control or delinquent behavior, the parents' cooperation with the minor's school, the minor's functioning at school, the nature of the minor's home environment, and the records of other agencies that have been involved with the minor and his or her family. The protocols also shall contain provisions for resolution of disagreements between the probation and child welfare services departments regarding the need for dependency or ward status and provisions for determining the circumstances under which a new petition should be filed to change the minor's status.

(c) Whenever a minor who is under the jurisdiction of the juvenile court of a county pursuant to Section 300, 601, or 602 is alleged to come within the description of Section 300, 601, or 602 by another county, the county probation department or child welfare services department in the county that has jurisdiction under Section 300, 601, or 602 and the county probation department or child welfare services department of the county alleging the minor to be within one of those sections shall initially determine which status will best serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court in which the petition is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor. In making their recommendation to the juvenile court, the departments shall conduct an assessment consistent with the requirements of subdivision (b). Any other juvenile court having jurisdiction over the minor shall receive notice from the court in which the petition is filed within five calendar days of the presentation of the recommendations of the departments. The notice shall include the name of the judge to whom, or the courtroom to which, the recommendations were presented.

(d) Except as provided in subdivision (e), nothing in this section shall be construed to authorize the filing of a petition or petitions, or the entry of an order by the juvenile court, to make a minor simultaneously both a dependent child and a ward of the court.

(e) Notwithstanding subdivision (d), the probation department and the child welfare services department, in consultation with the presiding judge of the juvenile court, in any county may create a jointly written protocol to allow the county probation department and the child welfare services department to jointly assess and produce a recommendation that the child be designated as a dual status child, allowing the child to be simultaneously a dependent child and a ward of the court. This protocol shall be

signed by the chief probation officer, the director of the county social services agency, and the presiding judge of the juvenile court prior to its implementation. No juvenile court may order that a child is simultaneously a dependent child and a ward of the court pursuant to this subdivision unless and until the required protocol has been created and entered into. This protocol shall include:

- (1) A description of the process to be used to determine whether the child is eligible to be designated as a dual status child.
- (2) A description of the procedure by which the probation department and the child welfare services department will assess the necessity for dual status for specified children and the process to make joint recommendations for the court's consideration prior to making a determination under this section. These recommendations shall ensure a seamless transition from wardship to dependency jurisdiction, as appropriate, so that services to the child are not disrupted upon termination of the wardship.
- (3) A provision for ensuring communication between the judges who hear petitions concerning children for whom dependency jurisdiction has been suspended while they are within the jurisdiction of the juvenile court pursuant to Section 601 or 602. A judge may communicate by providing a copy of any reports filed pursuant to Section 727.2 concerning a ward to a court that has jurisdiction over dependency proceedings concerning the child.
- (4) A plan to collect data in order to evaluate the protocol pursuant to Section 241.2.
- (5) Counties that exercise the option provided for in this subdivision shall adopt either an "on-hold" system as described in subparagraph (A) or a "lead court/lead agency" system as described in subparagraph (B). In no case shall there be any simultaneous or duplicative case management or services provided by both the county probation department and the child welfare services department. It is the intent of the Legislature that judges, in cases in which more than one judge is involved, shall not issue conflicting orders.
 - (A) In counties in which an on-hold system is adopted, the dependency jurisdiction shall be suspended or put on hold while the child is subject to jurisdiction as a ward of the court. When it appears that termination of the court's jurisdiction, as established pursuant to Section 601 or 602, is likely and that reunification of the child with his or her parent or guardian would be detrimental to the child, the county probation department and the child welfare services department shall jointly assess and produce a recommendation for the court regarding whether the court's dependency jurisdiction shall be resumed.
 - (B) In counties in which a lead court/lead agency system is adopted, the protocol shall include a method for identifying which court or agency will be the lead

court/lead agency. That court or agency shall be responsible for case management, conducting statutorily mandated court hearings, and submitting court reports.

LINKS

California Code	http://www.leginfo.ca.gov/calaw.html
Division 31 Regulations	http://www.dss.cahwnet.gov/ord/CDSSManual_240.htm
Title 22 Regulations	http://www.dss.cahwnet.gov/ord/CCRTitle22_715.htm

RELATED POLICIES

[Procedural Guide 0300-311.05](#), Preparing the WIC 241.1 Joint Assessment Court Report Ordered by the Dependency Court

[Procedural Guide 0300-312.05](#), Dual Supervision DCFS-Probation Cases

[Procedural Guide 0300-506.08](#), Communications with a Child's Attorney

FORM(S) REQUIRED/LOCATION

CWS/CMS	Contact Notebook Interim Review Report Screener Narrative
----------------	---

Hard Copy	241.1 Joint Assessment Referral DCFS 4140 , WIC 241.1 Referral Log Juvenile Court Mental Health Unit WIC 241.1 Report
------------------	--

LA Kids	241.1 Joint Assessment Referral DCFS 4140 , WIC 241.1 Referral Log Juvenile Court Mental Health Unit WIC 241.1 Report
----------------	--

SDM	None
------------	------